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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,812	05/04/2001	Mitchell S. Askenas	1436/159	7911

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EXAMINER	
SALTARELLI, DOMINIC D	
ART UNIT	PAPER NUMBER
2623	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/848,812	ASKENAS ET AL.	
	Examiner	Art Unit	
	DOMINIC D. SALTARELLI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/20/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 20, 2008 have been fully considered but they are not persuasive.

Applicant argues that Field does not teach providing images that are synchronously viewable by citing the brief period of processing required by field to display a page, then illustrating an example where users make requests for specific content at two different times that involves some sort of animation (applicant's remarks, pages 14-15).

In response, the limitation found in the claim is that the images are "synchronously viewable", that is, the images are able to be viewed at the same time. Even in the example provided by the applicant, the images will be viewed at the same time if the users at the two different televisions make the request at the same time. Further, if the page requested does not contain an animation, then it does not matter if the requests occur at two different times, the only limitation is that the images themselves (in this case, static images), are able to be viewed at the same time, which they are in the system described by Field.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 6, 10, 14, 17, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (6,266,369, of record) [Wang] in view of Field et al. (6,018,764, of record) [Field].

Regarding claims 1, 10, 17, 24, and 25, Wang discloses a television headend for delivery of television channels to a plurality of subscriber televisions (CATV system, col. 1, lines 18-44) and comprising:

a web content server in communication with the television headend (ISP and associated processing equipment for running Internet browser applications, col. 1, lines 18-44) and including:

a browser application including an instance of the browser application displaying a web page (col. 1, lines 18-44);

an image capture module coupled to the instance of the browser application to capture successive images of the web page displayed thereby (for capturing web page content to be encoded as an MPEG-2 video stream, col. 1, lines 45-61); and

an image compressor to compress the successive images captured by the image capture module from the instance of the browser application for delivery (co. 1, lines 45-61 and col. 2, lines 51-60);

wherein the web page includes a streaming video element and wherein the successive images of the web page produce a video stream making the streaming video element viewable on a subscriber television (col. 4, lines 43-64).

Wang fails to disclose the images are delivered as television channel that is separately selectable to any of the plurality of televisions and is synchronously viewable on televisions at which the television channel is selected.

In an analogous art, Field teaches delivery of web content over television channels that are separately selectable to any of the plurality of subscriber televisions to permit synchronous viewing on subscriber televisions at which the television channel is selected (col. 5, lines 3-22, col. 6, lines 15-39, and col. 7, lines 27-59), providing the benefit of backwards compatibility with existing one-way communication systems for the delivery of Internet content (col. 8, lines 29-46).

It would have been obvious at the time to a person of ordinary skill in the art to modify the television headend of Wang to include delivery of web content over television channels that are separately selectable to any of the plurality of televisions and is synchronously viewable on televisions at which the television channel is selected, as taught by Field, for the benefit of backwards compatibility with existing one-way communication systems for the delivery of Internet content, such as traditional analog terrestrial broadcasts or satellite broadcasts with no return channel or upstream path.

Regarding claims 6 and 14, Wang and Field disclose the headend and method of claims 1 and 10, wherein the web content server further comprises:

the browser application includes a first browser instance and a second browser instance each displaying a corresponding web page (one each for each web page A B and C, Field, col. 5, lines 44-59); and

a multiplexer with inputs coupled to the image compressor and a output for multiplexing each corresponding succession of images compressed in the compressing act from the first and second browser instances generated in the generating act onto a single analog television channel (Field, col. 5, lines 15-22 and col. 6, lines 36-39) as discrete digital television channels (MPEG-2 is digital compression).

4. Claims 2-4, 7-9, 11-13, 15, 16, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Field as applied to claims 1 and 10 above, and further in view of Bates et al. (5,907,681, of record).

Regarding claims 2-4, 11-13, and 18-20, Wang and Field disclose the headend and method of claims 1 and 10, wherein the web content server further comprises:

setup records each corresponding with an instance of the browser application and each including parameters corresponding with a starting uniform resource locator (URL) and a television channel identifier of a corresponding television channel; and

a generator coupled to the setup records and configured to generate a corresponding browser instance from each setup record including a loading of a

webpage identified by the starting URL in the corresponding setup record (Field, col. 5, lines 44-59).

Wang and Field fail to disclose a reload interval defining for each instance a corresponding interval for reloading a web page identified by the starting URL and a controller coupled to the setup records and to each browser instance generated by the generator to control the reload interval for each browser instance to conform with the reload interval in the corresponding setup record.

In an analogous art, Bates teaches it is well known to provide scripts which automatically direct a controller with a reload interval for refreshing Internet web page data within a browser (col. 1 line 54 - col. 2 line 14), which are desirable within the art (col. 1, lines 48-50).

It would have been obvious at the time to a person of ordinary skill in the art to modify the headend and method of Wang and Field to include a reload interval defining for each instance a corresponding interval for reloading a web page identified by the starting URL and a controller coupled to the setup records and to each browser instance generated by the generator to control the reload interval for each browser instance to conform with the reload interval in the corresponding setup record, as taught by Bates, for the benefit of maintaining the most up to date version of web pages in the browser instances.

Regarding claims 7-9, 15, 16, 22, and 23, Wang and Field disclose the television headend and method of claims 1, 10, and 17, wherein the web content server further comprises:

a database (in web server 108) containing setup records each corresponding with an instance of the browser application and each including parameters corresponding with a starting uniform resource locator (URL) and a television channel identifier of a corresponding television channel (Field, col. 5, lines 44-59).

Wang and Field fail to disclose an administrative module providing graphical user interfaces to input and update setup records in the database, a reload interval defining for each instance a corresponding interval for reloading a web page identified by the starting URL, and a controller coupled to the setup records and to each browser instance generated by the generator to control the reload interval for each browser instance to conform with the reload interval in the corresponding setup record.

In an analogous art, Bates teaches it is well known to provide scripts which automatically direct a controller with a reload interval for refreshing Internet web page data within a browser (col. 1 line 54 - col. 2 line 14), which are desirable within the art (col. 1, lines 48-50).

It would have been obvious at the time to a person of ordinary skill in the art to modify the headend and method of Wang and Field to include a reload interval defining for each instance a corresponding interval for reloading a web

page identified by the starting URL and a controller coupled to the setup records and to each browser instance generated by the generator to control the reload interval for each browser instance to conform with the reload interval in the corresponding setup record, as taught by Bates, for the benefit of maintaining the most up to date version of web pages in the browser instances.

Wang, Field, and Bates fail to disclose an administrative module providing graphical user interfaces to input and update setup records in the database.

The use of graphical user interfaces was notoriously well known at the time, as such tools provide easy access for retrieval and manipulation of digital data.

It would have been obvious at the time to a person of ordinary skill in the art to modify the headend and method of Wang, Field, and Bates to include an administrative module providing graphical user interfaces to input and update setup records in the database, as graphical user interfaces provide easy and intuitive access for retrieval and manipulation of digital data by users.

Regarding claim 21, Wang, Field, and Bates disclose the means of claim 18, further comprising:

means for generating a first browser instance and a second browser instance each displaying a corresponding web page (one each for each web page A B and C, Field, col. 5, lines 44-59); and

means for multiplexing each corresponding succession of images compressed in the compressing act from the first and second browser instances generated in the generating act onto a single analog television channel (Field, col. 5, lines 15-22 and col. 6, lines 36-39) as discrete digital television channels (MPEG-2 is digital compression).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Field as applied to claim 1 above, and further in view of Leak et al. (6,182,072, of record) [Leak].

Regarding claim 5, Wang and Field disclose the television headend of claim 1, wherein the web page displayed by the at least one instance of the browser application includes at least one frame portion (an inherent feature, as a browser which does not contain at least one frame portion would have no space in which to display content), but fail disclose and a script which identifies a set of web pages and a corresponding upload interval for each of the web pages in the set; and the script executable by the at least one instance of the browser application to sequentially upload each of the web pages identified in the set into the at least one frame portion for capture by the image capture module and subsequent display on the corresponding selectable television channel.

In an analogous art, Leak discloses a script which identifies a set of web pages and a corresponding upload interval for each of the web pages in the set, the script executable by a browser application to sequentially upload each of the

web pages identified in the set (col. 8, lines 39-50), providing a "tour" of websites consisting of constantly changing content (col. 6, lines 25-36).

It would have been obvious at the time to a person of ordinary skill in the art to modify the headend of Wang and Field to include a script which identifies a set of web pages and a corresponding upload interval for each of the web pages in the set, the script executable by a browser application to sequentially upload each of the web pages identified in the set, as taught by Leak, providing the benefit of a "tour" of websites consisting of a steadily changing series of content.

6. Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Field and Leak.

Regarding claims 26 and 29, Wang discloses, in communication with a television headend for delivery of television channels to a plurality of subscriber televisions (col. 1, lines 18-44), a web content server comprising:

a browser application including a plurality of browser instances displaying web pages (col. 1, lines 18-44);

an image compressor arranged to compress at least one image of each web page to form an elementary stream of compressed images (col. 2, lines 51-60).

Wang fails to disclose the browser application includes at least two instances of the browser application each cycling through a carousel of web pages and a multiplexer arranged to receive the elementary streams and to

output a transport stream for delivery of each carousel of images as a discrete digital television channel simultaneously viewable at a plurality of the subscriber televisions.

In an analogous art, Field teaches delivery of web content over a multiplex of television channels that are separately selectable to any of the plurality of subscriber televisions to permit simultaneous viewing on subscriber televisions at which the television channel is selected (col. 5, lines 3-22, col. 6, lines 15-39, and col. 7, lines 27-59), providing the benefit of backwards compatibility with existing one-way communication systems for the delivery of Internet content (col. 8, lines 29-46).

It would have been obvious at the time to a person of ordinary skill in the art to modify the server of Wang to include delivery of web content over a multiplex of television channels that are separately selectable to any of the plurality of subscriber televisions to permit simultaneous viewing on subscriber televisions at which the television channel is selected, as taught by Field, for the benefit of backwards compatibility with existing one-way communication systems for the delivery of Internet content, such as traditional analog terrestrial broadcasts or satellite broadcasts with no return channel or upstream path.

Wang and Field fail to disclose the browser instances cycle through a carousel of web pages.

In an analogous art, Leak discloses a script which identifies a carousel of web pages (pre-packaged tours), the script executable by a browser application

to sequentially upload each of the web pages identified in the set (col. 8, lines 39-50), providing a "tour" of websites consisting of constantly changing content (col. 6, lines 25-36).

It would have been obvious at the time to a person of ordinary skill in the art to modify the server of Wang and Field to include cycling though a carousel of web pages, as taught by Leak, for the benefit of providing a "tour" of websites consisting of constantly changing content.

Regarding claims 27 and 31, Wang, Field, and Leak disclose the server of claim 26 and 29, wherein the carousel of web pages is determined by a master web page including a script which identifies the carousel of web pages and a corresponding upload interval for each of the web pages in the carousel (top level page, Leak, col. 7, lines 26-35).

Regarding claims 28 and 32, Wang, Field, and Leak disclose the server of claims 26 and 29, wherein the web page includes an active graphical element and wherein the successive images of the web page produce a video stream making the active graphical element viewable on a subscriber television (Wang, col. 4, lines 43-64).

Regarding claim 30, Wang, Field, and Leak disclose the server of claim 29, further comprising a modulator for delivering the discrete digital television

channels over an analog television channel (modulation is performed prior to broadcasting, Field, col. 5, lines 2-43).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dominic D Saltarelli/
Examiner, Art Unit 2623

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623